

Customer Number: 000959

DIVISIONAL CONTINUATION APPLICATION TRANSMITTAL FORM **UNDER RULE 1.53(b) (former Rule 1.60)**

02/26/99
JCS45 U.S. PTO

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 08 461,598	PRIOR APPLICATION FILING DATE: JUNE 5, 1995
CPI-012CP4DV	CLASS:	SUBCLASS:	EXAMINER: YUCEL, I.	ART UNIT: 1636

ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

JCS51 U.S. PTO
09/258600
02/26/99

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: February 26, 1999

Mailing Label Number EL 094 332 976 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Eric J. Chesnakas
Name of Person Mailing Paper

Eric J. Chesnakas
Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 08/461,598 filed on June 5, 1995, of Dana M. Fowlkes et al. entitled YEAST CELLS ENGINEERED TO PRODUCE PHEROMONE SYSTEM PROTEIN SURROGATES, AND USES THEREFOR, patented, which in turn is a continuation-in-part application of serial no. 08/322,137 filed on October 13, 1994, now pending, which is a continuation-in-part of serial no. 08/309,313, filed September 20, 1994, now abandoned, which is a continuation-in-part of serial no. 08/190,328, filed January 31, 1994, now pending, which is a continuation-in-part of serial no. 08/041,431, filed March 31, 1993, now abandoned.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 181 page(s) of specification
 - ☒ 6 page(s) of claims
 - ☒ 1 page(s) of abstract
 - ☒ 11 sheet(s) of drawing
 - ☐ page(s) of declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 08/461,598 as originally filed on June 5, 1995.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	57	MINUS	** 20	37
INDEP	4	MINUS	*** 3	1
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FF
x 9	\$ 00
x 39	\$ 00
x 130	\$ 00
BASIC FEE	\$ 00
TOTAL	\$0.00

OR

OTHER THAN A SMALL ENTITY	
RATE	FF
x 18	\$666.00
x 78	\$78.00
x 260	\$ 00
BASIC FEE	\$760.00
TOTAL	\$1504.00

OR

4. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ A check in the amount of \$1504.00 is enclosed for payment of the filing fee.
6. ☒ Cancel in this application original claims 2-42 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: "This application is a divisional application of serial no. 08/461,598 filed on June 5, 1995 and issued as U.S. Patent 5,876,951 March 2, 1999, which in turn is a continuation-in-part application of serial no. 08/322,137 filed on October 13, 1994, now pending, which is a continuation-in-part of serial no. 08/309,313, filed September 20, 1994, now abandoned, which is a continuation-in-part of serial no. 08/190,328, filed January 31, 1994, now abandoned, which is a continuation-in-part of Serial No. 08/041,431, filed March 31, 1993, now abandoned. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☒ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
- ☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to Cadus Pharmaceutical Corporation.
13. ☐ A _____ month extension of time has been submitted in the parent application Serial No. _____ in order to establish copendency with the present application.
14. ☒ Also enclosed is an unexecuted Associate Power of Attorney and Change of Correspondence Address.
15. ☒ The power of attorney in the prior application is to Giulio A. DeConti, Jr. of Lahive & Cockfield, LLP.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.

16. ☒ Address all future communications (May only be completed by applicant or attorney or agent of record) to Giulio A. DeCesari, Jr. at **Customer Number:** 063759 whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

17. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
18. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 08 461,598. Please use the computer readable form of application serial no. 08 461,598 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 08 461,598 are the same.

February 26, 1999
Date

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400

Peter C. Lauro

Peter C. Lauro, Esq.
Reg. No. 32,360

- ☐ inventor(s) ☐ filed under §1.34(a)
☐ assignee of complete interest
☒ attorney or agent of record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Fowlkes, D.M. *et al.*

Serial No.: To be Assigned
(Divisional of 08/461,598)

Filed: February 26, 1999
(Herewith)

For: *YEAST CELLS ENGINEERED TO PRODUCE
PHEROMONE SYSTEM PROTEIN SURROGATES,
AND USES THEREFOR*

Attorney Docket No.: CPI-012CP4DV

Group Art Unit: Not Assigned

Examiner: Not Assigned

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATION UNDER 37 CFR 1.10

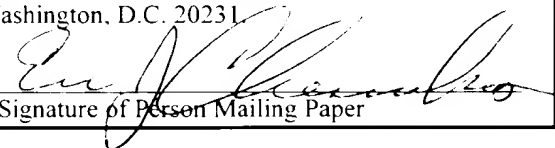
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Eric J. Chesnakas

Name of Person Mailing Paper


Signature of Person Mailing Paper

**ASSOCIATE POWER OF ATTORNEY AND CHANGE OF
CORRESPONDENCE ADDRESS**

Dear Sir:

The undersigned attorney has the power of attorney in the subject application. He hereby grants an associate power to:

Peter C. Lauro, Esq.
Registration No. 32,360
Lahive & Cockfield, LLP
28 State Street
Boston, MA 02109

Please direct all future correspondence to:

Giulio A. DeConti, Jr., Esq.
Registration No. 31,503
Lahive & Cockfield, LLP
28 State Street
Boston, MA 02109

Respectfully submitted,

Giulio A. DeConti, Jr.
Registration No. 31,503
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: February 26, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1812
)	
FOWLKES et al.)	Examiner:
)	
Serial No.: 08/461,598)	Washington, D.C.
)	
Filed: June 5, 1995)	November 20, 1995
)	
For: YEAST CELLS)	Docket No.: FOWLKES=2F
ENGINEERED TO..)	

ASSOCIATE POWER OF ATTORNEY AND CHANGE
OF CORRESPONDENCE ADDRESS

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

S i r :

The undersigned, as principal attorney of record, hereby
appoints, as associate attorneys,

Algis Anilionis (Reg. No. 36,995)

Matthew P. Vincent (Reg. No. 36,705)

Giulio A. DeConti (Reg. No. 31,503)

to prosecute and transact all business connected with this
application, and related U.S. and PCT applications, including
the payment of fees.

Please direct all further correspondence to:

Matthew P. Vincent, Ph.D.
LaHive & Cockfield
Sixty State Street
Boston, MA 02109-1875
Telephone: (617) 227-7400
Facsimile: (617) 227-5941

USSN - 08/461,598

Thank you.

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant

By: 

Iver P. Cooper
Reg. No. 28,005

419 Seventh Street, N.W.
Washington, D.C. 20004
Telephone: (202) 628-5197
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cc: Algis Anilionis
✓ Matthew P. Vincent

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